REMARKS

This responds to the Office Action dated October 16, 2009.

Claims 1 and 17 are amended. Please add claims 26 – 33; claims 1 – 6, 17 – 20, 26 – 33 are pending.

§102 Rejection of the Claims

Claims 1-6, 17 - 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by "MiniSafe MS4600 Series Safety Light Curtain," MiniSafe MS4600 Installation and Operating Manual, (07/08/1999), pages 1-39.

"For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference." (emphasis added). *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In other words, anticipation exists only if all the elements of the claimed invention are present in a product or process disclosed, expressly or inherently, in a single prior art reference. *RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d 1440, 221 USPQ 385 (Fed. Cir. 1984), *cert. dismissed sub nom. Hazeltine Corp. v. RCA Corp.*, 468 U.S. 1228 (1984); see also, MPEP §706.02. In addition, in order to anticipate the elements in the single reference "must be arranged as in the claim under review." *Id.*, (quoting *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1948)). Finally, "the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public." *Akzo N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1989). In addition, means language is to be interpreted to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. *In re Donaldson Company, Inc.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994).

Applicant respectfully traverses the rejection as all of the elements of the claims cannot be identically found in the cited reference. For instance, Applicant cannot identically find in the cited reference a teaching actuator operatively coupled with the programmable controls, as recited in claims 1 – 6, and 17 – 20. Still further, Applicant cannot identically find in the cited reference an access member having a closed position and an open position, the access member preventing access to the programmable controls and the teaching actuator through the access port when the access member is disposed in the closed position, as recited in claims 1 – 6, and 17 – 20, 26 - 33.

According to the Office Action, "MiniSafe discloses an apparatus comprising . . . a teaching actuator (e.g., switch settings) operatively coupled with the programmable controls (e.g., programming exact channel select) (see Page 10); and an access member (e.g., machine primary control element MPCE monitoring)". Page 3, Office Action. The Office Action further states MiniSafe discloses "the access member (e.g., MPCE) (see Page 11) preventing access (e.g., the protected maching is not allowed to operate; regardless of button press and release) (see Page 5 for Machine Stop and Fault) to the programmable controls and the teaching actuator (e.g., Output Signmal Switching Device OSSD) (see Page 11) through the access port." Pages 4 - 4, Office Action.

Applicant respectfully disagrees. The switch settings of MiniSafe are not a teaching actuator as recited in the claims. According to the application, the teaching actuator implements the programming of the dip switches, and is used to teach component location, for example, for a fixed blanking mode of operation. Page 8, Application. The switch settings of MiniSafe do not 'teach' and are thus not a teaching actuator. Furthermore, the 'access member' (MPCE) of MiniSafe does not prevent access to the programmable controls and the teaching actuator through the access port. Instead, the MPCE is a Machine Primary Control Element which electrically controls, and thus does not have a 'closed position' as recited in claims 1 – 6, 17 – 20.

Reconsideration and allowance are respectfully requested.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 359-3276 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18 day of January, ~~XXX~~ 2010.

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Signature